IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 856/2006
(Shrawan Kumar Vs. State of Rajasthan)

Date of Order : 19/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

None present for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

No one appears for the petitioner. Heard learned public prosecutor for the non-petitioner State.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 16.6.2006 passed by Additional Sessions Judge No.1, Jodhpur (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 19.4.2006 passed by Judicial Magistrate, Ist Class No.7, Jodhpur (for short 'the trial court' hereinafter) was dismissed.

I have carefully gone through the orders impugned.

It appears that the illicit liquor was recovered from the provision store of the petitioner by the police and a case was

registered for the offence under Section 19/54 of the Rajasthan Excise Act against the petitioner. During the pendency of the case, the petitioner sought release of the said liquor on the interim custody which the trial court refused. The liquor in question is subject matter of the offence and in my view the trial court was justified in declining the interim custody of the liquor. On a revision, the revisional court also came to the conclusion that in such a situation when the liquor was subject matter of offence, it cannot be returned to the accused during pendency of the case. In my view, it cannot be said that the orders impugned would result in serious miscarriage of justice or abuse of the process of any Court. No case for interference in the inherent jurisdiction is made out.

The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

rp